

RUMSON PLANNING BOARD
SEPTEMBER 8, 2014
MINUTES

Chairman Lospinuso called the **special portion of the meeting** to order at 7:00 p.m. with the Pledge of Allegiance.

The Roll was called with the following members present: Lospinuso, Williams, Casazza, Clark, Shanley, White, Hewitt, Gaynor, Rubin, Ekdahl. Also present: Michael Steib (Board Attorney), Fred Andre (Zoning Officer), State Shorthand Services.

The requirements of the Open Public Meetings Act were stated as met.

Review of the Borough of Rumson's Award from the State of New Jersey, Dept. of Community Affairs, Planning Grant for Strategic Recovery following Hurricane Sandy

Tom Rogers, Borough Administrator, updated the Board on the aftermath of Sandy and the insurance and FEMA payments to date. There is work that is still to be done. They have received \$1,000,000 in grant money since Sandy, and they have made a strong effort to get the grant money available for the town, which he proceeded to explain in detail for the Board's information, including pump station repairs, generators, installation of flood valves in flood-prone areas, etc.

They have developed a report for an initial plan to review what is being done at this time and what can be done for future storms. Mr. Rogers distributed a copy of this report, and he will also email copies to the Board members. He reported that they also applied for additional funding and received another \$255,000 from the state to update all the recommendations from T&M Assoc. found in the report, including the updating of the emergency operations plan, enabling the town to bring this plan up to date, the Master Plan, the permit application process, review of FEMA mapping, hazard mitigation plan, GIS system, Capital Improvement Plan regarding sewers and pumps, etc. All these grants total over \$1,000,000 and will help them be better prepared for the next event. Mr. Rogers is very proud of their efforts and accomplishments in this area.

Upon questioning by Chairman Lospinuso, Mr. Rogers said they do not need any additional pump stations, but upgrading is desired. Much of their damage from the storm was to the pump stations.

Stan Slachetka, T&M Assoc., addressed some additional points, noting that the grant program for the Borough is money allocated to municipalities to address post-Sandy planning issues and concerns. The intent here is to address issues and concerns related to recovery and resiliency and reduce losses from these types of events and disasters, insuring that developments taking place are done in a way to reduce future losses.

There are three specific projects for the Planning Board to be involved with:

- The Master Plan
- Flood planning
- Capital Improvement Plan

Overall, the projects are intended to be integrated, and a program manager will be appointed to supervise all the projects in the Borough. Martin Truscott, T&M Assoc., will serve in this position to help develop the Master Plan. These projects need to be completed by May, 2015, and they will coordinate efforts to make sure the projects go forward on schedule.

Mr. Truscott reported on the Planning Board's role in helping review the Master Plan and how it relates to these goals. The Board will consider amendments that would be appropriate and also provide their feedback and input and adopt the amendments. Once the Master Plan is updated, it will be compiled into a user-friendly document. Mr. Rogers further explained their position to afford better documentation for residents and professionals to follow. Mr. Truscott said they will need to setup a subcommittee so that these projects can be completed as mentioned. Mr. Rogers said that an email will be sent out to the members of the Planning Board to see who is interested in serving on this subcommittee.

Mayor Ekdahl moved to adjourn the special portion of the meeting, and Councilman Rubin seconded. Voice Vote: Ayes, unanimous.

The **regular portion** of the meeting was called to order at 7:30 p.m. The Roll was again called, with the following members present: Lospinuso, Gaynor, Rubin, Hewitt, Williams, Casazza, Clark, White, Shanley, Ekdahl. Also present: Mr. Steib (Board attorney), Mr. Andre (Zoning Officer), Bonnie Heard (T&M Assoc.), and State Shorthand.

The requirements of the Open Public Meetings Act were stated as met.

Approval of Minutes

Motion was made and seconded to approve the minutes from the August meeting, with corrections.

Roll Call Vote: Ayes – Rubin, Hewitt, Williams, Casazza, Clark, White, Shanley

Nays – None

Abstain – Lospinuso, Gaynor, Ekdahl

Motion carried.

Resolutions

1. **John Lembeck, 41 Washington Ave.** – Approval for minor subdivision. Mr. Casazza moved to adopt the resolution, and Mr. Shanley seconded.

Roll Call Vote: Ayes – (Eligible) Casazza, Williams, Clark, Shanley

Nays – None

Motion carried.

Paul J. Sansone, Sr., 21 Bellevue Ave.

This application will be carried to a future meeting, due to the restrictions in a former resolution.

Mercy Trust, 138 Bingham Ave

Ms. Heard reported on completeness issues, which will be or have already been addressed, and she has no objections to granting a waiver for these issues. Councilman Rubin moved to grant the completeness waivers, and Mr. Casazza seconded.

Roll Call Vote: Ayes – Lospinuso, Gaynor, Rubin, Hewitt, Ekdahl, Williams, Casazza, Clark, White, Shanley

Nays – None

Motion carried.

Mr. Steib reported that three exhibits have been received:

- A-1 – Application
- A-2 – Minor subdivision plan
- Completeness review from T&M Assoc (dated 4/10/14)

Brooks Von Arx, attorney, appeared on behalf of the applicant. He described the property on Bingham Avenue. This property has been on the market, but no buyers have been found, resulting in the Trust considering a number of options, including:

- A four-lot subdivision
- A two-lot subdivision.

The family would prefer to maintain the property in its present form as much as possible and possibly create two lots. A copy of an aerial view of the property was distributed to the members and marked A-4. Robin Hemphill, realtor, was sworn in and stated the property has been on the market since 10/2012. Major efforts have occurred to market the property, and she provided a copy of the listing (A-5). A number of alternatives were considered for the property, and the family decided they would like to divide the property into two lots – 3.5 acres each – with the current house being maintained and the flag lot provided for a new residence. An existing carriage house and other out buildings would be maintained. From Bingham Ave., you would see what you see today, if this plan is developed.

Mr. Von Arx stated that the plan creates a flag lot for one of the two proposed lots. They would propose a 50' flag-pole area to contain the gardener's cottage. They feel this is a reasonable way to develop the lot, opposed to a conforming lot providing two lots on Bingham Ave. They are asking for a variance for frontage and depth to accommodate the flag lot going to the rear property.

Christine Nazarrow-Coffone, professional planner, was sworn in, and the Board accepted her qualifications. She testified that she has visited the property on several different occasions. She noted that the R-1 Zone requires 1.5 acre lots, and the subject property is almost eight acres. The setback requirements were reviewed, with Ms. Nazarrow-Coffone noting that they have almost 400' of frontage on Bingham Ave. The flag lot proposed preserves the character of the area with a lower density as opposed to what could be achieved. She thinks this is a clear example of a C-2 variance, as they feel that the relief results in a better zoning alternative. This application asks for some flexibility to provide the most sensible options for the property. She thinks the plan before the Board is a sensitive plan that creates an appropriate population density and a desirable visual environment, preserving the view shed along Bingham Ave. She thinks the Board can grant the variance under the C-2 standards. If the subdivision is created, they also require variances relating to the cottage and other accessory buildings being in the front yard, which results from the setting of the property line. These will be set back several hundred feet from the roadway, and would pose no substantial detriment in her opinion. A buffering plan variance would also be needed, and she thinks they can provide a reasonable buffer plan.

The negative criteria would be that no substantial detriment to the public good or the zone plan would be felt with this plan. She thinks the benefits outweigh the detriments in this case, due to the lot density since they are will be over the minimum lot area with each lot. She thinks this is a good subdivision that accomplishes the care that has been put into this property over the years.

Councilman Rubin asked what would prevent an applicant to come for another subdivision in the future to further break up the property. Mr. Von Arx responded that any future subdivision would need to come back before the Board. Mrs. Nazarro-Coffone noted that would be a challenging application, since they could not get a conforming lot with the frontage they are currently proposing with this application. Councilman Rubin asked if the applicant would agree to not come back for a future subdivision, but Mr. Von Arx said he would not support this for his client, but he also noted that they could not provide a conforming subdivision, if this is proposed. Mr. Casazza would want a condition of approval to be that no further subdivision could occur. Mr. Von Arx said he would need to consult with his client, because this could be a major issue in the future and something they did not contemplate at this time.

Mrs. White noted they are not creating a road, but only an access with the flag lot, and any future subdivision would cause additional access, which would present a major subdivision with additional variances.

Chairman Lospinuso asked for further explanation of their statement that it would benefit the neighborhood and it is different than splitting the lot down the middle. Mrs. Nazarro-Coffone explained that they are preserving the view shed and the desirable visual environment. Chairman Lospinuso asked why this would be better than splitting the lot in half. Mr. Von Arx pointed out that the existing house with the beautiful landscaping would remain. Mrs. Nazarro-Coffone said that the Board would be insuring that they only get two lots, which would make it reasonable on the basis of population density.

Ms. Heard pointed out that another property owner could apply for a cul-de-sac being put on the back lot to provide additional lots. Mrs. Nazarro-Coffone further explained the optional plan that would provide a cul-de-sac and four new homes, as opposed to this plan.

Mr. Von Arx said they had asked Mr. Santry for a conceptual plan to see how many conforming lots could be put on to this lot with this variance, and it appears they could create as many as four lots; however, his client does not want to see this happen.

Robert Morris, 3 Van Circle, was sworn in and stated he is not opposed to the two-lot subdivision with the flag lot; however, he does have concerns regarding the trees along the border of his property, which now act as a buffer. He would like a tree plan included in the proposal. He also wants to make sure a drainage plan is included with any proposal. He located a sharp slope on the property, and he wants to make sure any runoff does not impact his property. Mr. Von Arx said at this time there is no plan for any building on the rear lot, and that would be addressed at the time any building permit is required.

There were no further questions from the audience for Ms. Nazarro-Coffone. Mr. Von Arx thinks this is an opportunity for the borough to allow the property to be developed in a reasonable way – preserving what has occurred for a number of years.

Mrs. White asked about the 50' access on the east end of the property on Bingham Ave., and what currently exists in this area. Mr. Von Arx said his clients are very concerned with preserving trees, and he thinks a driveway can be accomplished to preserve any existing trees. They do not have a specific plan at this time.

Chairman Lospinuso asked about the concept plan for the cul-de-sac, and Mr. Von Arx said at least four conforming lots could be achieved. They marked this concept plan, prepared by Mr. Santry, A-6 for the record. Mr. Santry was sworn in at this time. He stated he developed this concept plan to show how

many lots might possibly be provided in a conforming manner. The plan is dated 6/5/13. Mr. Von Arx emphasized that his client does not want this plan, but another buyer of the property could possibly consider this plan.

Mayor Ekdahl asked how many feet separate the two driveways on Bingham Ave., and Mr. Santry stated that there are approximately 120' between the curb cuts as proposed. Mayor Ekdahl asked if there were any restrictions from the county, since this is a county road. Ms. Heard said they would look at the proximity between the driveways, and the county would need to give approval.

Mrs. Williams asked again why they are not proposing two conforming lots by splitting the line down the middle, and Mr. Von Arx said it is for aesthetics, so that they can preserve the view from Bingham Ave.

Mr. Clark expressed concerns regarding future subdivision of this type.

Mrs. Hemphill said the property is assessed at approximately the current asking price.

There were no questions or comments for Mr. Santry. Mr. Von Arx said they were looking for guidance from the Board to see if they should pursue the application before this Board. He thinks it will be difficult to get a better plan for the property than what is being presented.

Mr. Morris, speaking again from the public, asked if the back lot could be reduced so that it could never pose an option for a cul-de-sac on this site. He was informed that an applicant could come back with another application of this type.

A photo of the existing house was shown to the Board (A-7). Mrs. White wants to make sure that a future owner does not chop up the property.

There were no other questions or comments from the public.

Mr. Hewitt agrees that the application does preserve the character of the area, but his concern is for the future.

Mr. Shanley agrees that the flag lot is a good option, but he would like to see a deed restriction for no further development on both lots.

Mrs. Williams is troubled by the flag lot and feels they may be setting a precedent.

Chairman Lospinuso stated that the board does not usually approve flag lots in Rumson, and he also has concerns regarding this issue. If a future subdivision occurred in the rear, the lot becomes a right-of-way, and additional problems would be created.

Mr. Clark thinks the flag lot is the best solution, and he would also like to see a deed restriction applied.

Mrs. White agrees and thinks it is the best solution but would also prefer a deed restriction to protect the nature of the property and the trees.

Mayor Ekdahl said they can also preserve two lots by dividing the property down the middle and requiring a deed restriction to preserve the two lots. This would be the choice of the applicant.

Councilman Rubin said this application does seem feasible for a flag lot, but he thinks there is a possibility to extend the subdivision. He would also be in favor of a deed restriction.

Mr. Gaynor thinks this is the best solution, and there are a number of flag lots in town.

Mr. Casazza thinks this is an appropriate spot for a flag lot, although he does not usually approve this type of subdivision. He would also support a deed restriction for both lots.

Chairman Lospinuso did not want to lose the existing house, which would occur if the property was divided down the middle. He likes the idea of preserving the view of the property from the street. He feels there are unique circumstances for a flag lot in this case.

Mr. Von Arx will consult with his client and report back later in the meeting.

A short recess was taken at this time (8:55 p.m.).

At the resumption of the meeting, Mr. Von Arx reported that he will need additional time to consult with his client. He asked that the application be carried to a future meeting. The Board had no objections. The application will be carried to the next meeting with no further notice required.

There was no need for an executive session.

The next meeting will be **Monday, October 6, 2014 (7:30 p.m.)**

Motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,
Patricia Murphy
Clerk